

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

RYAN SCOVILLE,)
1215 W. Michigan St.)
Milwaukee, WI 53233)
) Case No. 1:19-cv-01987
Plaintiff,)
)
v.)
)
U.S. DEPARTMENT OF STATE)
The Executive Office)
Office of the Legal Adviser)
600 19th Street, NW, Suite 5.600)
Washington, DC 20522)
)
Defendant.)

COMPLAINT

1. Plaintiff RYAN SCOVILLE files this Freedom of Information Act suit to overturn Defendant, U.S. DEPARTMENT OF STATE's failure to timely respond to SCOVILLE's FOIA requests.

PARTIES

2. Plaintiff RYAN SCOVILLE is a scholar and educator and is the FOIA requester in this case.

3. Defendant U.S. DEPARTMENT OF STATE is a federal agency subject to the Freedom of Information Act, 5 U.S.C. § 552.

JURISDICTION AND VENUE

4. This case is brought under 5 U.S.C. § 552(a)(6)(c)(i) and presents a federal question conferring jurisdiction on this Court.

5. Venue is proper under 5 U.S.C. § 552(a)(4)(B).

MARCH 10, 2016 REQUEST (REPORTS ON ENVOY APPOINTMENTS)

6. On March 10, 2016, SCOVILLE submitted a FOIA request to STATE requesting “all of the reports the President has submitted to the Senate Foreign Relations Committee pursuant to this statute [22 U.S.C. 3942(a)(2)(B)], from the inception of the reporting requirement in 1980 to the date of this request.” A true and correct copy of the request is attached as Exhibit A.

7. STATE responded only with an automated receipt, acknowledging that the FOIA request was submitted online. See Exhibit A.

8. On August 19, 2016, SCOVILLE received correspondence from STATE regarding his request referencing case: F-2016-01912. The correspondence further stated that the “estimated completion date (ECD) for this case is: May 28, 2017.” A true and correct copy of this correspondence is attached as Exhibit B.

9. On June 1, 2017, SCOVILLE sent a follow-up email to STATE requesting an update on the status of his FOIA request. A true and correct copy of this correspondence is included in Exhibit C attached hereto.

10. On June 2, 2017, STATE responded to SCOVILLE’s follow-up correspondence and informed him that “processing of this case is underway” and the updated estimated completion date for the case was July 2017. See Exhibit C.

11. On September 25, 2017, SCOVILLE sent a second follow-up email to STATE requesting an update on the status of his FOIA request. A true and correct copy of this correspondence is included in Exhibit D attached hereto.

12. On September 26, 2017, STATE responded to SCOVILLE’s second follow-up correspondence and informed him that the department has a “FOIA backlog of approximately

13,200 cases” resulting in a delay in processing SCOVILLE’s FOIA request. The correspondence further advised SCOVILLE that it “could take until September 2019 to complete its processing.” See Exhibit D.

13. As of the date of filing, SCOVILLE has received no further response or production of documents from STATE.

OCTOBER 21, 2016 REQUEST (LEADERSHIP SURVEYS)

14. On October 21, 2016, SCOVILLE submitted a FOIA request to STATE requesting: “copies of all Chief of Mission Leadership Surveys created from the date of this request to the date at which the State Department started to conduct the surveys in approximately late 2012 or perhaps 2013.” A true and correct copy of the request is included in Exhibit E attached hereto.

15. STATE responded only with an automated receipt, acknowledging that the FOIA request was submitted online. See Exhibit E.

16. On March 23, 2017, SCOVILLE received correspondence from STATE referencing case control number F-2016-13984 and informed him that two searches were initiated in response to his request. The correspondence further stated that the estimated completion date for SCOVILLE’s request was December 31, 2017. A true and correct copy of this correspondence is attached at Exhibit F.

17. As of the date of filing, SCOVILLE has received no further response or production of documents from STATE.

FEBRUARY 17, 2018 (WITHHELD AGREEMENTS)

18. On February 17, 2018, SCOVILLE submitted a FOIA request to STATE requesting: “all documentation pertaining to agreements withheld from publication under Section

112a(b)(2)(D) that is not exempt from disclosure under the Freedom of Information Act, including any reports or other materials showing the annual number of agreements withheld since April of 1994, the foreign state parties to those agreements, and the general subject matter they address.” A true and correct copy of the request is included in Exhibit G attached hereto.

19. STATE responded only with an automated receipt, acknowledging that the FOIA request was submitted online. See Exhibit G.

20. STATE assigned the request a control number of F-2018-01436.

21. As of the date of filing, SCOVILLE has received no further response or production of documents from STATE.

**COUNT I – STATE’S MARCH 10 (REPORTS ON ENVOY APPOINTMENTS)
VIOLATION OF FOIA**

22. The above paragraphs are incorporated by reference.

23. Defendant STATE is an agency subject to FOIA.

24. The requested records are not exempt under FOIA.

25. STATE has refused to produce the requested records in a timely manner.

COUNT II – STATE’S OCTOBER 21 (LEADERSHIP SURVEYS) VIOLATION OF FOIA

26. The above paragraphs are incorporated by reference.

27. Defendant STATE is an agency subject to FOIA.

28. The requested records are not exempt under FOIA.

29. STATE has refused to produce the requested records in a timely manner.

COUNT III – STATE’S FEBRUARY 17 (WITHHELD AGREEMENTS) VIOLATION OF FOIA

30. The above paragraphs are incorporated by reference.

31. Defendant STATE is an agency subject to FOIA.

32. The requested records are not exempt under FOIA.

33. STATE has refused to produce the requested records in a timely manner.

WHEREFORE, Plaintiff asks the Court to:

- i. Order Defendant to produce the requested records;
- ii. Award Plaintiff attorney fees and costs; and
- iii. Enter any other relief the Court deems appropriate.

Dated: July 3, 2019

RESPECTFULLY SUBMITTED,

/s/ Joshua Hart Burday

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